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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,761	07/17/2003	Jean-Louis Gueret	124371	9154
25944	7590	01/20/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			MANAHAN, TODD E	
			ART UNIT	PAPER NUMBER
			3732	
DATE MAILED: 01/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,761

Applicant(s)

GUERET, JEAN-LOUIS

Examiner

Todd E. Manahan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-98 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/17/03;11/01/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5, 32, 78, 83, and 96 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 1, “the containers each define a housing” is redundant of base claim 1, line 3.

In claim 5, line 1, “the containers each define a housing” is redundant of base claim 1, line 3.

In claim 32, lines 3-6, “said device comprising at least two containers configured in such a manner as to be superposable on a stacking axis” and “each container defining a housing” is redundant of base claim 16, lines 1 and 4 .

Claim 78 is indefinite because a broad range or limitation followed by linking terms (e.g., preferably, maybe, for instance, especially, in particular) and a narrow range or limitation within the broad range or limitation is considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

In claim 83, lines 3-6, “said device comprising at least two containers configured in such a manner as to be superposable on a stacking axis...an applicator member” is redundant of base claim 68, lines 1-5.

Claim 96, line 1, “said hinges” lacks a prior antecedent.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim rejected under 35 U.S.C. 102(e) as being anticipated by Okamoto (United States Patent No. 6,491,041).

Okamoto discloses a device comprising at least two containers 8,13 configured in such a manner as to be superposable on a stacking axis. One of the containers 8 comprises a lid with a hinge with the other container formed on the lid. Each container defines a housing with at least one housing being closed in a sealed manner when the containers are superposed. The hinge enables the containers to pivot relative to one another. One of the housings contains a cosmetic or care product 11. The containers are fixed to the container immediately below it by a snap fastening. The device may comprise a closure cap fitted to a receptacle 3. The cap includes a bottom portion configured to be fixed on a receptacle so as to be fixed thereon.

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Claims 1-11, 13-28, 30-43, 45-62, 64-79, 81-98 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (United States Patent No. 4,821,751).

Chen discloses a device comprising at least three containers 2,3,4 configured in such a manner as to be superposable on a stacking axis. One of the containers 2 comprises a lid with a hinge with the other container formed on the lid. Each container defines a housing with at least one housing being closed in a sealed manner when the containers are superposed. The hinge enables the containers to pivot relative to one another. One of the housings contains a cosmetic or care product. There are at least two hinges angularly offset around the stacking axis (see figures 2 and 4). The device may include an applicator in one of the housings. The device may comprise a closure cap fitted to a receptacle 1. The cap includes a bottom portion configured to be fixed on a receptacle so as to be fixed thereon.

Claims 1-7, 11, 13-24, 28, 30-38, 40, 43, 45-57, 59, 62, 64-76, 78-79, 81-95 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Petruzzi (United States Patent No. 5,699,925).

Claims 1-7, 11-12, 14-24, 28-29, 31-38, 40, 43-44, 46-57, 59, 62-63, 65-76, 78-80, 82-95 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Petruzzi (United States Patent No. 5,699,925).

Conclusion

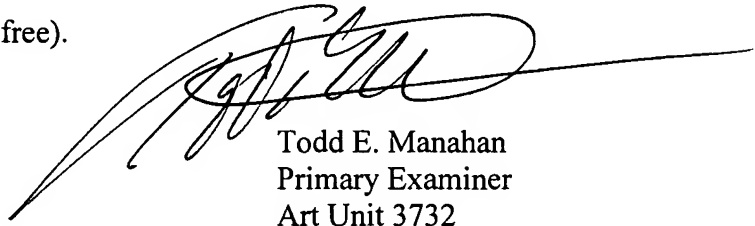
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd E. Manahan whose telephone number is 571 272-4713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571 273-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Todd E. Manahan
Primary Examiner
Art Unit 3732

T.E. Manahan
13 January 2006